Lee Epstein has a straightforward answer when asked how much of her current research lies at the intersection of political science and the law: “Virtually everything I do.”

As evidence, she cites a recent paper she co-authored with colleagues at Washington University and Dartmouth College. “It was a really interesting topic, about whether a federal Equal Rights Amendment would make a difference,” says Epstein, the Edward Mallinckrodt Distinguished University Professor of Political Science in Arts & Sciences and professor of law. “It tries to get at that question by looking at states with and without ERAs. The answer: Yes, in terms of the way courts treat sex discrimination cases, it would probably make a difference.”

To political scientists and those involved in politics, the question is clearly political, bolstering the arguments for (and against) a federal ERA. For legal scholars and for lawyers, however, the question is distinctly legal, because the findings can help shape arguments and predict outcomes in sex discrimination cases.

So it is with most of Epstein’s work, both in teaching and research. She has published 12 books on courts and the law, including the acclaimed Constitutional Law for a Changing America series, honored by the American Political Science Association with its 2003 Teaching and Mentoring Award. Epstein also has written 50 scholarly articles, published in both law and political science journals, and authored or co-authored 23 chapters in edited volumes.

“I feel really lucky,” she observes. “I am by training a political scientist and have spent most of my career in a political science department, but now to have this joint appointment in the School of Law and Arts & Sciences is just spectacular. It has opened the door to new ways of thinking about law and courts. To have the interaction with my colleagues in the law school really pushed me out of the political science box.”

Among other things, working with law faculty and students has encouraged her to think more about the real-world implications of her research. “Many law professors are really on the ground,” Epstein says. “They’re thinking...”
Two Worlds

by Betsy Rogers

about the implications of their work for the real world. A lot of political scientists don’t do that.

“There’s value to being on the ground,” she acknowledges with a wry smile. “Creating knowledge, making discoveries, inventing—these are important. For me, the connection to the real world—which isn’t necessarily so transparent—has also become very important. It has not really changed the kind of research that I do, but it has changed the way I think about the product of my work. What am I really saying? What does it really mean? I think this has been probably the most fundamental change in my teaching and in my research resulting from my connection with the law school.”

The cross-pollination works both ways. If she takes something from the law school to her work in political science, the reverse is also true. Troubled by questionable research design and methodology she found in legal scholarship, Epstein brought her social scientific skills to bear and has helped raise awareness among her law school colleagues.

“I think I’ve brought to the law school an appreciation for quantitative empirical research,” she says. “A lot of people in law are interested in empirical work, but have no training in it.”

Jane Aiken, the William M. Van Cleve Professor of Law, is grateful for Epstein’s perspective. “Having a political scientist on the faculty helps keep us honest,” Aiken says. “By approaching the law from another discipline—a discipline that often requires more actual proof of propositions than is required of the law—we must constantly ask ourselves how we know the things we know. That is the question I want my students to ask of themselves. It is certainly powerful when it is asked of me.”

One concrete result has been the Workshop on Empirical Research in the Law (see accompanying article on the next page). This weekly group brings together faculty in law, political science, and other disciplines to critique their own research and writing and to study other scholars’ work.

Epstein has also found that law students are interested in what political science has learned about the certiorari process by which the Supreme Court of the United States, which receives many thousands of cases each year, selects the 70–80 cases it hears.

“Political scientists have been working on this problem for a long time,” Epstein says. “Law students see the potential relevance because their theories can inform how lawyers go about trying to get cases before the court. What I really try to do in the law classes is help students see how social science can be informative and useful in the practice of law.”

Students and colleagues alike value her efforts. She has presented talks at law schools across the country, including Harvard, Georgetown, Chicago, Northwestern, and Virginia. She has commented on legal questions for PBS. An impressive list of awards and distinctions, including the 2003 Arthur Holly Compton Faculty Achievement Award from Washington University, also speaks to her contributions. In addition, Epstein will be inducted as the Thorsten Sellin Fellow of the American Academy of Political and Social Science this spring.
The results have been gratifying. A paper Epstein has just completed on the proposed federal Equal Rights Amendment, for instance, was honed at WERL. “It very much grew out of WERL,” Epstein observes. “I presented the idea to WERL, then came back and presented the research design, then presented the final project. I got terrific feedback.”

Several participants have said WERL’s input was critical to their research and writing.

And they appreciate more than just the critique. “What is exciting about WERL is not only this terrific, cutting-edge work,” says Staudt, “but also the level of enthusiasm, the way we get along, the intellectual discussion. It’s a very thrilling experience.”

An article Kim co-authored began at WERL. “The very idea grew out of conversations we had,” she recalls. “Then, during both the design and writing-up phases, we brought it back to the group and got feedback, and I think the project was really pushed along.”

The paper, “The Supreme Court Forecasting Project: Legal and Political Science Approaches to Predicting Supreme Court Decision-Making,” co-authored by Ruger, Martin, and Kevin Quinn, assistant professor, Harvard University, will appear in Columbia Law Review this May.


Though lawyers typically do not conduct empirical research themselves, Staudt and Kim believe they need to know how to evaluate statistical material. “In so many areas of the practice of law now, they’re going to be dealing with that kind of information,” Kim argues. “They need to know how to read it, understand it, and critique it.”

She’s grateful for the recognition, but real satisfaction lies in the intellectual life she leads and the contributions she is making through her teaching and research.

“Would I turn down the awards?” she asks. “No, I’m glad to be recognized for making contributions, whether to the University or to the political science community. But when I come to my office and turn on my computer, I want to like whatever research project on which I’m working. And when I go into a classroom, I want to have an interesting discussion.

“Interdisciplinary Workshop Supports Research

When legislators pass laws and judges decide cases, says Pauline Kim, professor of law, “they are often making assumptions about what the impact of the law is going to be on behavior. Figuring out whether those assumptions are right is really important.”

Determining assumptions’ validity is the task of empirical research, but traditionally legal scholars haven’t been trained in empirical methods. Kim and Nancy Staudt, professor of law, believe this lack of training has led to flawed legal scholarship and, often, bad law.

“There are numerous instances where laws have been written, cases have been decided, or people have suffered because of faulty research,” Staudt states.

A dramatic recent example: Persuaded by research “findings” claiming that concealed guns reduce crime, Missouri legislators enacted the concealed guns law over the governor’s veto. “The study, by the way, has been taken apart by a number of social scientists who’ve found the conclusions just don’t hold,” Kim says.

To address this gap in legal scholarship, Staudt and Kim teamed up with Lee Epstein, the Edward Mallinckrodt Distinguished University Professor of Political Science in Arts & Sciences and professor of law, to establish a resource unique in American law schools. The Workshop on Empirical Research in the Law (WERL) has met weekly since spring 2001 to read and critique members’ current projects and to study recent and classical empirical research project papers.

Its 10 regular members come from law, political science, and economics. Along with Epstein, Staudt, and Kim, law faculty regulars are Katherine Barnes, Theodore Ruger, and Peter Wiedenbeck. Political scientists Ethan Bueno de Mesquita, Randall Calvert, and Andrew Martin take part, as does economist Robert A. Pollak. Other faculty members participate when they can.

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“This joint appointment in the School of Law and Arts & Sciences ... has opened the door to new ways of thinking about law and courts.”

Lee Epstein

When that stops, it doesn’t matter how many awards you get. Liking my job, liking my research, liking what I’m teaching—that’s where I get my real rewards.”

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